

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

WILLIAM A. WHITE, #13888-084

Petitioner,

vs.

Civil No. 17-cv-1262-DRH-CJP

BILL TRUE,

Respondent.

MEMORANDUM and ORDER

This action is before the Court to address Respondent's Motion to Dismiss Action as Moot in Light of Respondent's Application of Prior Custody Credit (doc. 18) and Petitioner's Response (doc. 20) endorsing it.

Petitioner, an inmate in the custody of the BOP, filed a petition for writ of habeas corpus under 28 U.S.C. §2241 requesting restoration of prior custody credit. (Doc. 1). The parties now agree that the appropriate amount of prior custody credit at issue has been restored to Petitioner, rendering this habeas action moot. (Docs. 18, 20). The Court finds no reason to disagree.

Accordingly, Respondent's Motion to Dismiss Action as Moot in Light of Respondent's Application of Prior Custody Credit (doc. 18) is **GRANTED**.

The Petition for a Writ of Habeas Corpus Under 28 U.S.C. §2241 (doc. 1) is **DISMISSED** without prejudice as moot.

If Petitioner wishes to appeal the denial of his Petition, he may file a notice of appeal with this court within sixty days of the entry of judgment. Fed. R. App. P. 4(a)(1)(B). A motion for leave to appeal in forma pauperis should set forth the

issues petitioner plans to present on appeal. See Fed. R. App. P. 24(a)(1)(C).

Petitioner is further advised that a motion to alter or amend the judgment filed pursuant to Federal Rule of Civil Procedure 59(e) must be filed no later than 28 days after the entry of the judgment—a deadline that cannot be extended. A proper and timely Rule 59(e) motion may toll the 60-day appeal deadline. Other motions, including a Rule 60 motion for relief from a final judgment, order, or proceeding, do not toll the deadline for an appeal.

It is not necessary for petitioner to obtain a certificate of appealability from this disposition of his §2241 petition. *Walker v. O'Brien*, 216 F.3d 626, 638 (7th Cir. 2000).

The **Clerk** is directed to **CLOSE** this case.

IT IS SO ORDERED.

David Herndon



Judge Herndon

2018.08.03

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United States District Judge